

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

O'DELL PICKETT,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 4:11CV00760 AGF (DDN)
)	
MICHAEL J. ASTRUE,)	
Commissioner of Social Security,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

This matter is before the Court on Magistrate Judge David D. Noce's Report and Recommendation that the Commissioner's decision denying Plaintiff's application for disability insurance benefits under Title II of the Social Security Act, 42 U.S.C. §§ 401-33, and supplemental security income benefits under Title XVI of the Social Security Act, 42 U.S.C. §§ 1381-1383, be affirmed. Plaintiff has filed Objections to the Report and Recommendation.

When a party objects to a magistrate judge's report and recommendation, the Court must "make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1). In his objections, Plaintiff essentially renews arguments he made to the Magistrate Judge in favor of reversing the decision of the Administrative Law Judge ("ALJ"). Plaintiff argues that the ALJ improperly failed to include mental limitations in

assessing Plaintiff's residual functional capacity, failed to analyze Plaintiff's credibility correctly, and failed to address Plaintiff's obesity correctly.

Upon de novo review of the record, including the administrative transcript, the Court believes that this is a close case, but concurs in the detailed Report and Recommendation of the Magistrate Judge, and will affirm the decision of the Commissioner.

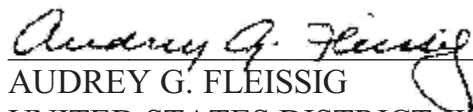
Accordingly,

IT IS HEREBY ORDERED that Plaintiff's objections to the United States Magistrate Judge's Report and Recommendation are **OVERRULED**.

IT IS FURTHER ORDERED that the Report and Recommendation of the United States Magistrate Judge is **SUSTAINED, ADOPTED, and INCORPORATED** herein.

IT IS FURTHER ORDERED that the decision of the Commissioner denying Plaintiff's application for supplemental security income benefits under Title XVI of the Social Security Act and application for disability insurance benefits under Title II of the Social Security Act is **AFFIRMED**.

An appropriate Judgment will accompany this Memorandum and Order.


AUDREY G. FLEISSIG
UNITED STATES DISTRICT JUDGE

Dated this 2nd day of August, 2012.